

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Judd M. Berman et al.

Application No.: 10/537,747

Confirmation No.: 4895

Filed: March 27, 2006

Art Unit: 1624

For: HETEROCYCLIC COMPOUNDS,
METHODS OF MAKING THEM AND
THEIR USE IN THERAPY (As amended by
ISA)

Examiner: N. E. Jarrell

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (SIDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Supplemental Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicants have not submitted copies of U.S. patents and U.S. patent applications. Copies of some foreign patent and non-patent references on the PTO/SB/08 are not provided. Specifically, copies of B16, B17, B19-B23, B25, B27-B30, and C28-C44 are provided herewith. The remaining cited references are of record in the previous Information Disclosure Statement for this application.

Applicants have cited for the Examiner's consideration co-pending U.S. patent applications and U.S. publications that are owned at least in part by the assignee of this application. Applicants wish to inform the Examiner about these co-pending patent applications and the contents of their file wrappers, including all Office Actions issued therein:

<u>Exam.</u> <u>Initials</u>	<u>Our Docket</u> <u>No.</u>	<u>Serial No./</u> <u>Publication #</u>	<u>Title</u>	<u>Filing Date</u>	<u>Status</u>
	IPT-069	09/980,369 6,573,272	Antibacterial Compounds	06/01/2000	Granted
	IPT-069C1	10/429,923 6,964,970	Antibacterial Compounds	05/05/03	Granted
	IPT-070	10/089,755 6,846,819	Fab I Inhibitors	10/06/2000	Granted
	IPT-070C1	11/007,927 7,557,125	Fab I Inhibitors	12/09/2004	Granted
	IPT-070C2	11/779,578 7,524,843	Fab I Inhibitors	07/18/2007	Granted
	IPT-070C3	12/403,078 2009/275572	Fab I Inhibitors	03/12/2009	Published
	IPT-071	10/089,739 6,762,201	Fab I Inhibitors	10/06/2000	Granted

<u>Exam. Initials</u>	<u>Our Docket No.</u>	<u>Serial No./ Publication #</u>	<u>Title</u>	<u>Filing Date</u>	<u>Status</u>
	IPT-072	10/089,740 6,730,684	Fab I Inhibitors	10/06/2000	Granted
	IPT-073	10/474,315 7,049,310	Fab I Inhibitors	04/03/2002	Granted
	IPT-073D1	11/284,660 7,250,424	Fab I Inhibitors	11/22/2005	Granted
	IPT-073D2	11/767,967 2009/221699	Fab I Inhibitors	06/25/2007	Published
	IPT-074	11/231,298 2006/142265	Compositions Comprising Multiple Bioactive Agents, and Methods of Using the Same	09/19/2005	Published
	IPT-076	11/628,569	Therapeutic Agents, And Methods of Making and Using The Same	12/04/2006	Pending
	IPT-077	12/095,977 2009/0156578	3-Heterocyclacylamide Compounds as Fab I Inhibitors and Antibacterial Agents	12/17/2008	Published
	IPT-078	12/374,444	Acrylamide Derivatives As Fab I Inhibitors	01/20/2009	Pending
	IPT-079	12/032,001 2009/042927	Salts, Prodrugs and Polymorphs of Fab I Inhibitors	02/15/2008	Published

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Deposit Account No. 07-1700 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 07-1700, under Order No. **IPT-075**.

Dated: January 28, 2010

Respectfully submitted,

/Gretchen S. Peterson/

Gretchen S. Peterson

Agent for Applicants

Registration No.: 57,404

GOODWIN PROCTER LLP

Exchange Place

Boston, Massachusetts 02109

Tel. No.: (617) 570-3914

Fax No.: (617) 523-1231